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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91165519
Party	Plaintiff Corporacion Habanos, S.A. Corporacion Habanos, S.A. Avenida 3ra, #2006, e/20 y 22Miramar Havana, CUBA
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Date	05/10/2006
Attachments	stipulation.withdraw.motionsandAD.pdf (3 pages)(23735 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

In the matter of Trademark Application
Serial No. 78/363024
Filed February 5, 2004
For the mark HAVANA CLUB
Published in the *Official Gazette* on December 14, 2004

_____)	
CORPORACION HABANOS, S.A.,)	
)	Opposition No. 91165519
Opposer,)	
)	
v.)	
)	
ANNCAS, INC.,)	
)	
Applicant.)	
_____)	

STIPULATION TO WITHDRAW MOTIONS AND TO DISMISS APPLICANT'S
THIRD AFFIRMATIVE DEFENSE

Opposer Corporacion Habanos, S.A. ("Opposer") and Applicant, Anncas, Inc. ("Applicant"), hereby stipulate and agree as follows:

1. On April 14, 2006, Opposer filed a MOTION TO EXTEND DISCOVERY PERIOD TO TAKE ORAL DEPOSITION OF LATE IDENTIFIED POTENTIAL WITNESS ("Motion to Extend"). In connection therewith, Opposer served a Notice of Deposition on Applicant for the oral deposition of the potential witness, Nestor Placencia, a foreign resident, and requested that Applicant either agree not to use Mr. Placencia as a witness in this proceeding, given his belated identification, or to make Mr. Placencia available for an oral deposition in the United States, and that otherwise Opposer would object to, and would seek to exclude, any use of his testimony in this proceeding.

2. On April 21, 2006, Applicant filed a MOTION TO QUASH OPPOSER’S NOTICE OF DEPOSITION (“Motion to Quash”).

3. On May 5, 2006, Applicant confirmed to Opposer that it would not make Mr. Placencia available for oral deposition in the United States. Applicant further stated by letter to Opposer’s counsel dated April 28, 2006, “Your position with respect to Mr. Placencia is understood. In the unlikely event that we introduce any statements or testimony of Mr. Placencia, you intend to move to preclude it.”

4. In light of the foregoing, Opposer hereby withdraws its Motion to Extend, and Applicant hereby withdraws its Motion to Quash.

5. The parties reserve all their rights and their respective positions with respect to any attempts by Applicant to introduce or to use any statements or testimony of Mr. Placencia in the above-captioned proceeding.

6. In addition to the foregoing, Applicant hereby withdraws and dismisses with prejudice its Third Affirmative Defense (“Lack of Place/Goods Association”) in Applicant’s Answer to Notice of Opposition and Counterclaim, filed August 3, 2005.

7. Counsel for Applicant, Henry Rodriguez, of Sanchelima & Associates, P.A., has reviewed the terms of this STIPULATION TO WITHDRAW MOTIONS AND TO DISMISS

APPLICANT'S THIRD AFFIRMATIVE DEFENSE and hereby agrees to and accepts these terms on behalf of Applicant.

Dated: New York, New York
May 10, 2006

Respectfully submitted,

/David B. Goldstein/
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was emailed to and was served on Applicant by mailing, postage prepaid, said copy on May 10, 2006 via U.S. Mail to:

Henry Rodriguez, Esq.
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/David B. Goldstein/
DAVID B. GOLDSTEIN